



House of Representatives

General Assembly

File No. 34

January Session, 2005

House Bill No. 5749

House of Representatives, March 16, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF THE THIRD TAXING DISTRICT OF NORWALK.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) Notwithstanding the failure to
2 file a proper notice of a claim against the state with the clerk of the
3 Office of the Claims Commissioner, as required by section 4-147 of the
4 general statutes, within the time limitations specified by subsection (a)
5 of section 4-148 of the general statutes, the Third Taxing District of
6 Norwalk is authorized pursuant to the provisions of subsection (b) of
7 section 4-148 of the general statutes to present its claim against the
8 state to the Claims Commissioner. The General Assembly deems such
9 authorization to be just and equitable and finds that such authorization
10 is supported by compelling equitable circumstances and would serve a
11 public purpose.

12 (b) The state shall be barred from setting up the failure to comply
13 with the provisions of sections 4-147 and 4-148 of the general statutes,

14 from denying that notice of the claim was properly and timely given
15 pursuant to sections 4-147 and 4-148 of the general statutes and from
16 setting up the fact that the claim had once been considered by the
17 Claims Commissioner, by the General Assembly or in a judicial
18 proceeding as defenses to such claim.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Comptroller - Adjudicated Claims Account	GF - Potential Cost	39,000	0

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 06 \$	FY 07 \$
East Norwalk (Third Taxing District Electric Dpt.)	Potential Revenue Gain	39,000	0

Explanation

The resolution grants the claimant permission to sue the state. The Third Taxing District of Norwalk seeks to recover about \$39,000 in damages allegedly resulting from negligence by the Department of Transportation. Any settlement or judgment payment would be made from the Adjudicated Claims account.¹ It is anticipated that the Attorney General would represent the Department of Transportation in this matter. Consequently, there would be no additional cost to the state for legal representation.

¹ The Adjudicated Claims account is a non-appropriated, General Fund account within the State Comptroller's agency for administrative purposes. Payments from this account would reduce a surplus or increase a deficit in the General Fund.

OLR Bill Analysis

HB 5749

***AN ACT CONCERNING THE CLAIM AGAINST THE STATE OF THE
THIRD TAXING DISTRICT OF NORWALK.***

SUMMARY:

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report

Yea 36 Nay 0